

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Willie T. Smith,

Plaintiff

v.

J. Nash,

Defendant

Case No.: 2:19-cv-01983-JAD-VCF

**Order Setting Deadline to File Objections
and Denying Motions**

[ECF Nos. 69, 73, 75]

In this civil-rights action, plaintiff Willie Smith alleges that his constitutional rights were violated during his incarceration at Nevada’s High Desert State Prison (“HDSP”). Smith filed a motion for a preliminary injunction and temporary restraining order, alleging that he is being denied medical treatment for a spinal injury.¹ The magistrate judge held a hearing on those motions and recommends that the court deny them. The magistrate judge’s findings and recommendation were placed on the record during the September 29, 2021, hearing. In relevant part, they are as follows:

I believe having reviewed everything on the record, the medical records that Mr. Smith was allowed to see, that no objective evidence demonstrates plaintiff suffers from nerve damage or other spinal [indiscernible]. The x-rays and evaluations have not revealed any indication of such injury, and the plaintiff has undergone multiple x-rays and evaluations to determine if he requires outside medical care. And, to date, none have supported plaintiff’s request for future treatment. I think that’s right on the record in front of me.

So, based on that, I’m recommending that Judge Dorsey deny Number 13 and Number 14. That’s the motion for preliminary injunction and the motion for protective order.²

¹ ECF Nos. 13, 14.

² ECF No. 75 at 7–8.

1 The transcript of that hearing was filed and served on the parties on December 1, 2021. I
2 construe that transcript as the written findings and recommendation by the magistrate judge; no
3 further written findings and recommendations will be forthcoming. In the interest of fairness and
4 because there may reasonably be confusion about when the deadline for objection began to run, I
5 give the parties until December 20, 2021, to file any objections to those findings and
6 recommendations.

7 Plaintiff has also filed a “Motion for Clarification,” asking whether or not the magistrate
8 judge has prepared findings and recommendations on his injunctive-relief motions.³ I deny that
9 motion as moot because this order now clarifies that the magistrate judge’s findings and
10 recommendation were placed on the record—not contained in a writing—and I construe the
11 transcript as the record of those findings and recommendations, and the parties’ deadline to
12 object runs from today. Plaintiff also filed a document entitled “Motion to Strike Plaintiff’s
13 Notice of Appeal,” in which he asks the court to strike his notice of appeal.⁴ But the docket in
14 this case does not contain any such notice of appeal. So I deny that motion as moot.

15 IT IS THEREFORE ORDERED that the transcript of the September 29, 2021, hearing
16 [ECF No. 75] will serve as the official findings and recommendation of the magistrate judge to
17 deny plaintiff’s motions for a temporary restraining order and preliminary injunction. [ECF Nos.
18 13, 14].

19 IT IS FURTHER ORDERED that **the parties have until December 20, 2021, to file any**
20 **objections to those findings and recommendations** that are reflected in the transcript of the
21 September 29, 2021, hearing [ECF No. 75].

23 ³ ECF No. 69.

⁴ ECF No. 73.

1 IT IS FURTHER ORDERED that Plaintiff's motions for clarification and to strike notice
2 of appeal [ECF Nos. 69, 73] are **DENIED as moot.**

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5 U.S. District Judge Jennifer A. Dorsey
6 Dated: December 6, 2021
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